

ESTTA Tracking number: **ESTTA718186**

Filing date: **01/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	86092038
Applicant	Harry Pfannenschwarz
Applied for Mark	HARRY P. BODYFIT
Correspondence Address	CECELIA M PERRY MCGLEW AND TUTTLE PC SCARBOROUGH STATION SCARBOROUGH, NY 10510-9927 UNITED STATES MandT@mcglewtuttle.com
Submission	Applicants Request for Remand and Amendment
Attachments	T74585.remand.pdf(28269 bytes) T74585.request to divide.pdf(25152 bytes)
Filer's Name	Cecelia M. Perry
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Signature	/cecilia m perry/
Date	01/04/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: PFANNENSCHWARZ, HARRY
Serial number: 86092038
Mark: HARRY P. BODYFIT
Filed: October 15, 2013
Examining Attorney: Naakwama S. Ankrah
Law Office: 109

REQUEST FOR REMAND

Pursuant to 37 C.F.R. § 2.142(d), and for good cause shown, Applicant respectfully requests that the application be remanded to the Examining attorney to allow goods in classes 30 and 32 and then to divide out these goods from the application on appeal.

This request is filed for good cause and not for purposes of delay. Applicant's attorney spoke to the Examining attorney on December 1, 2015. At that time the Examiner said that after further consideration she would allow classes 30 and 32. She agreed to a remand to allow the goods in classes 30 and 32 and to then allow the application to be divided.

Accordingly, Applicant respectfully requests that the Board suspend the appeal proceeding and remand this application to the Examining attorney to allow the goods in classes 30 and 32 and then to divide the application into two applications, one for the allowed goods and one for the rejected goods. The appeal will continue for the goods in classes 5 and 29.

DATED: January 4, 2016

Respectfully submitted,

BY: /cecelia m. perry/
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Attorney for Applicant
HARRY PFANNENSCHWARZ

Enc.: request to divide application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Trademarks
P.O. Box 14-51
Alexandria, VA 22313-1451

REQUEST TO DIVIDE APPLICATION

Please divide this application once the goods in classes 30 and 32 have been allowed, in accordance with our December 1, 2015 discussion. The goods in classes 5 and 29 should continue on with the appeal which was filed on October 19, 2015.

Respectfully submitted
for Applicant,

by: /cecilia m. perry/
Cecilia M. Perry
McGLEW AND TUTTLE P.C.

DATED: SCARBOROUGH STATION
SCARBOROUGH, NEW YORK
(914) 941-5600
January 4, 2016

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.